THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.50 of 2004

Dated:17.08.2006

Between:

T.Syamala Devi.

…Petitioners

and

The Mandal Revenue Officer, Bapatla Mandal, Guntur District.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.50 of 2004

ORDER:

The petitioner is a resident of Chirala. She purchased agricultural land admeasuring Acs.3.50 cents in Survey Nos.488/1A, 2A,B,C,D,E situated at Adivi Village of Bapatla Mandal in Guntur District, under registered sale deeds in 1984 and 1999. The petitioner is allegedly using the land for growing vegetables. On 26.12.2003 some of the staff members from the Office of the Mandal Revenue Officer allegedly started taking measurements with a view to dispossess the petitioner. Therefore, the present Writ Petition is filed *inter alia* seeking a direction to the respondent not to take any steps without due process of law.

A counter affidavit is filed along with W.V.M.P.No.3481 of 2005. It is the case of the respondent that the subject land is the property taken over by the Government as surplus agricultural land from the declarant, Yarlagadda Chandrasekhara Rao, under the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, vide orders in C.C.No.2175/BAP/75. This land was allotted to five persons on 01.09.1978, but the petitioner herein purchased the property from the purchasers of the assigned land, and therefore, action was initiated for cancellation of the assignment. Notice was issued to the original assignees on 20.08.2003, and thereafter, the Revenue Divisional Officer passed orders on 27.11.2003 resuming the land for violation of conditions of assignment.

As rightly pointed out by the learned Counsel for the petitioner, respondent did not issue notice to the petitioner, who purchased the property from the original assignees or the vendees of the original assignees. A bare perusal of Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules'), would show that when action is initiated for contravention of Section

3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), for resumption of the land under Section 4 of the Act, a notice shall have to be issued to the person who is in possession of the property, and therefore, unless and until appropriate steps are taken either under the Act or the Rules against the petitioner, she cannot be dispossessed. Under the law, such a liberty is always available to the respondent.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

17.08.2006
vs